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REMARKS

Claims 4-9, 11, 14, 15, 17 and 18 are pending in this application. The foregoing amendment is proposing to amend claims 5, 6, 7, 14, 15, 17 and 18. The purpose of these proposed amendments is to place these claims into compliance with 35 U.S.C. § 112, particularly as to dependency from an existing claim, and also to limit their scope in order to avoid rejections and potential rejections over Richter U.S. Patent No. 5,728,667 ("Richter").

Currently, claims 15 and 18 have been rejected as obvious over Richter. The remaining claims in this application have been rejected only under 35 U.S.C. § 112. In the amendment filed on 23 September 2002, claim 1, on which all of these particular remaining claims depend, was cancelled. The foregoing amendment changes claims 7 and 17 into independent form and amends claims 4, 5 and 6 so that they depend from claim 7. Therefore, the following remarks should be considered as applicable to all of the claims in this application.

In the rejection herein responded to, the Examiner has maintained the rejection of claims 15 and 18 – now applicable to all of the claims – over Richter. In the foregoing amendment, Applicants propose to amend all of the claims so that the word "irritancy" is limited to ocular irritation. Support for this limitation may be found in various places in the written description including, particularly, page 4, line 28 and page 5, line 5.

The Richter reference is concerned with a germicidal light-duty dishwashing detergent composition in which the essential ingredients are (a) a quaternary ammonium germicidal compound, (b) an anionic alkyl ether carboxylate surfactant, (c) a non-ionic surfactant and (d) a suds-boosting agent. A glycoside surfactant is not an essential ingredient but it is mentioned as a possible additional deterative surfactant. At one point in the reference – column 15, lines 21-31 – the specification notes that, in addition to the utility of the disclosed composition for a dishwashing detergent, it can also be used for

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laundry, spot cleaning, or "a personal care product, particularly a liquid hand soap for providing both a cleaning and a sanitizing effect". From this single mention of possible utility as a liquid hand soap, the Examiner somehow finds a teaching in Richter to the effect that compositions containing the optional glycoside ingredient would be non-irritating and therefore Applicants' claimed compositions would have been obvious. Reconsideration of this rejection is respectfully requested, particularly in view of the foregoing amendment, which limits Applicants' compositions to those that do not cause ocular irritation.

In the Examiner's response to Applicants' arguments, there is the following statement:

The Examiner respectfully submits the Richter compositions are cleaning compositions with a sanitizing effect (see abstract) and no harmful irritation from the compositions is taught.

The fact that the Richter specification does not mention harmful irritation cannot be regarded as a teaching that the Richter compositions would not be irritating. It is well known that compositions containing germicidal quaternary ammonium compounds have a potential for irritation, in particular ocular irritation. This is discussed in the written description for the instant application at page 2, lines 3-13. Like U.S. Patent No. 4,336,151, contains the following statement at column 2, lines 37-44:

As stated above, the quaternary ammonium compounds used in disinfectant/cleanser compositions are generally the primary irritants, the extent of the eye irritation increasing with increasing concentration. The non-ionic surfactant behaves similarly, although its contribution to irritation is generally not as great as that of the quaternary ammonium compound.

Hall U.S. Patent No. 5,547,990 contains the following statement at column 1, lines 27-30:

Unfortunately, standard quaternaries of choice, being cationic surfactants, are quite irritating to ocular tissue. This is especially so of dialkyl quaternary ammonium chlorides which are very efficient as a disinfectant.

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Copies of the Like '151 and the Hall '990 Patents are enclosed. In the instant specification at page 2, line 10, there is a typographical error in the number of the Hall Patent. It is requested that the Examiner correct this by way of Examiner's Amendment.

In view of the facts that (1) compositions containing germicidal quaternary ammonium compounds are known to be irritants and (2) the Richter reference is not concerned with mitigation of irritancy, one would not expect to find, in the Richter specification, any reference at all to irritation. Indeed, there is no reference to irritation and, in considering what was known at the time – both the like '151 and the Hall '910 Patents are prior art to Richter – one cannot interpret Richter as a teaching that the light duty dishwashing detergent compositions containing the optional polyglycoside ingredient might possibly be non-irritating. Furthermore, one must also consider the Material Safety Data Sheet (MSDS) submitted on 20 December 2001. This MSDS – which is dated 15 January 1997 – states that APG 325 N, an alkyl polyglycoside surfactant, produces severe ocular irritation and mild dermal irritation.

Although Applicants submit that the claims which recite that the subject compositions exhibit “reduced irritancy” would be patentable over the Richter reference, they are now proposing to limit this term to “reduced ocular irritation” in order to advance the prosecution of this application. Even assuming that the possible use of a Richter composition containing the optional alkyl polyglycoside used as a hand soap would imply that said hand soap is non-irritating, any such implication would be limited to skin irritation. A hand soap is not a product intended for contact with the eyes. Therefore, even assuming that the Richter reference implies some sort of non-irritancy for a glycoside-containing composition, as urged by the Examiner, there can certainly be no implication that the disclosed hand soap would be expected to be non-irritating to the eyes.

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It is for the foregoing reason urged that the amendments now proposed be entered and that all of the remaining claims in this application be allowed.

Respectfully submitted,

Date: 3 April 2003

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